

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 20040175	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/ES2004/000332	International filing date (day/month/year) 13. 07. 2004	Priority date (day/month/year) 23. 07. 2003
International Patent Classification (IPC) or national classification and IPC F25D31/00, A23L3/36, 2/42		
Applicant CONDE HINOJOSA, Jose Ramón		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of _____ sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 13 sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/ES	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/ES2004/000332

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

☐ international search (Rule 12.3 and 23.1(b))

☐ publication of the international application (Rule 12.4)

☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-46 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 47-59 received by this Authority on 19.01.2005

nos.* _____ received by this Authority on _____

☐ the drawings:

sheets _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/ES2004/000332

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims <u>1-52</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-52</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-52</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

Document taken into consideration:

D1: WO 97/11327 A (27-03-1997)

The subject matter of the present invention, as set forth in claims 1 to 52, is novel, involves an inventive step and is industrially applicable in the light of the prior art published before the priority date.

The subject matter of the present application relates to a method (claims 1 to 23) and a device (claims 24 to 52) for rapidly cooling bottled beverages by spraying a coolant and washing water onto the surface of the bottle while it is being rotated. The spraying time is computed on the basis of the desired beverage temperature, the temperatures of the coolant and the washing water, and the time coefficient of the bottled beverage. The latter parameter can be calculated on the basis of a series of temperature measurements.

Document D1 (which is the closest prior art) describes a beverage cooling device in which a coolant is sprayed onto the surface of the beverage bottle while it is being

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

rotated, which device includes a coolant collector, supply and return pipes, and a unit for controlling the coolant spraying time and the beverage rotation time (see D1, page 7, lines 5-16). The refrigerant is water at 0 °C.

The present application differs from D1 firstly in that the temperature of the coolant fluid is variable (in D1 the temperature is a set 0 °C). Furthermore, in the present application the cooling time is dependent on the time coefficient of the bottled beverage, which can be calculated using the same device, unlike in D1. Thirdly, the present application also mentions washing water with a controlled temperature and time. This feature is also absent in D1.

It follows that the subject matter of the present application is novel and involves an inventive step in the light of the closest prior art set forth in D1.